IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 18805 of 2004

Between:

Jogi Raja Babu alias Raji Babu, S/o. Satyam,
Resident of Jonnalapadu Village, Sanivada Post, Gara Mandal,
Srikakulam District.

..... PETITIONER

AND

1 Revenue Divisional Officer, Srikakulam.
2 Balaga Jayalakshmi, W/o. Neelayya,
R/o. Radham Street, Jagannadhaswamy Temple,

Dhavaleswaram Town, East Godavari District.
3 Balaga Neelayya, S/o. Late Latchayya,
PWD Office, Irrigation Department, R/o. Radham Street, Jagannadhaswamy Temple, Dhavaleswaram Town, Post, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction, preferably a Writ in the nature of Certiorari, calling for the records relating to Proceedings RC No. 1414/04B dated 9-8-2004 issued by the first respondent and quash the same as being illegal, arbitrary and violative of Article 14 of the constitution of India and consequently suspend the operation of the said proceedings forthwith.

Counsel for the Petitioner:MR.O.KAILASHNATH REDDY
Counsel for the Respondent No.1: GP FOR REVENUE
Counsel for the Respondent Nos.2 and 3:---

The Court at the admission stage made the following ORDER:

The document, which was sought to be marked by the petitioner in the civil suit, was referred to the first respondent-Revenue Divisional Officer, Srikakulam by the Principal Junior Civil Judge, Srikakulam, for impounding and levy of stamp duty under Section 40(b) of the Indian Stamp Act, 1899 (for short "the Act"). On such reference, the first respondent by his proceedings in R.C.No.1414, dated 09-08-2004, impounded the document determining the stamp duty with ten times penalty for a sum of Rs.29,920/-. Questioning the same, the present writ petition is filed.

Against any order passed by the authority under Section 47-A of the Act, an appeal lies to the appellate authority. As per sub-section (5) of Section 47 of the Act, appellate authority shall be the Subordinate Judge or if there are more than one Subordinate Judges, the Principal Subordinate Judge, having jurisdiction over the area in which the property concerned is situated.

In view of the fact that such an appeal has to be filed within two months and the petitioner alleged that the impugned order has been received by him on 13-09-2004, the petitioner can approach the appellate authority for appropriate relief. Till then, no coercive steps shall be taken by the first respondent for recovery of the amount for a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

13th OCTOBER, 2004.

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To

1. The Revenue Divisional Officer, Srikakulam.
2. Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT)
3. Two CD copies.